

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendment and the discussion below.

Applicants invention has been discussed in the Amendment filed November 7, 2003, which is incorporated herein by reference. The following additional comments are addressed to the above Amendment and the outstanding Office Action.

Claim 6 has been rejected under 35 U.S.C. 102 as anticipated by Miller U.S. Patent No. 5,237,617, as stated at item 2 on page 2 of the Patent Office Action. There is no stated rejection of independent claims 1 and 9, although item 2 refers to a previous Office Action of July 24, 2003 wherein Miller was used to anticipate all elements of claim 1. Additionally, the "Response to Arguments" contains an indication at pages 2-4 that the arguments presented in the November 7 response were not persuasive with respect to claims 1, 4, 5 and 9 as well as claims 2, 3 and 7. Furthermore, the third paragraph on page 4 of the Office Action states that previous arguments with respect to claim 1 were persuasive regarding the reference to Henni and therefore a previous rejection was removed.

Although it is submitted that the January 14, 2004 Office Action is an improper Final Rejection because there is neither a statement of rejection of the specific claims nor of the grounds of rejection, Applicants, in an effect to expedite this application have amended claims 1, 8 and 9 in order to more clearly set forth defining features not shown or disclosed by the references.

Amended independent claim 8 recites the mixing means 46 for mixing the output from the pressure sensor 12 with the synthesizer 46 as a function of operational parameters of the motor vehicle. There is no mixing means in the reference to Miller and there is no output from the synthesizer which is added to or mixed with the output of the pressure sensor. According to the Examiner's analysis, Miller outputs the processing means to the speaker. However, there is no mixing of the output from the sound pressure sensor 23, 24 with the "output" from the synthesizer.

Claims 1 and 9 have also been modified to recite that the synthesizer outputs synthetic sound components signals to a device for adding the synthesizer output signal to the output of the sound pressure sensor. This feature is not available from the reference to Miller.

With respect to the clarifying amendments to claims 1 and 9 Applicants submit that such changes reflect features previously argued. Additionally, Applicants request the entrance of the amendments to claims 1 and 9 in light of the above-noted improper rejection.

The secondary references also fail to show the above discussed distinguishing features of independent claims 1, 8 and 9 and thus dependent claims 2-7 are also allowable.


Therefore, in view of the distinguishing features between the claimed invention and the references, Applicants respectfully request that this application be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.48943US).

Respectfully submitted,

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